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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/743,837   | 12/24/2003  | Fred R. Becker       | BECK100             | 1131             |
| 23590  | 7590        | 10/06/2005           | EXAMINER            |                  |
| RICHARD L HUFF<br>19304 OLNEY MILL ROAD<br>OLNEY, MD 20832 |             |                      | ROYAL, PAUL         |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 3611                |                  |
| DATE MAILED: 10/06/2005                                    |             |                      |                     |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/743,837             | BECKER, FRED R.     |  |
|                              | <b>Examiner</b>        | Art Unit            |  |
|                              | Paul Royal             | 3611                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 16 June 2005.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-11 is/are pending in the application.  
4a) Of the above claim(s) 1-5 and 9-11 is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 6-8 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 24 December 2003 is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_.  
\_\_\_\_\_

**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election without traverse of Species II, claims 6-8, in the reply filed on 06/16/05 is acknowledged.

***Information Disclosure Statement***

2. Within the Specification applicant has included a number of reference documents that must also be listed on a Information Disclosure Statement form (PTO-1449) to comply with 37 CFR 1.98(a)(1), which requires the following: (1) a list of all patents, publications, applications, or other information submitted for consideration by the Office; (2) U.S. patents and U.S. patent application publications listed in a section separately from citations of other documents; (3) the application number of the application in which the information disclosure statement is being submitted on each page of the list; (4) a column that provides a blank space next to each document to be considered, for the examiner's initials; and (5) a heading that clearly indicates that the list is an information disclosure statement. The information disclosure statement has been placed in the application file, but the information referred to therein has not been considered.

***Drawings***

3. The drawings are objected to because in figure 9, element 40 is part of the connecting piece, however the disclosure and figure 8 teach element 40 is part of the first clip.

The drawings are further objected to under 37 CFR 1.83(a) because they fail to show the proximal edge 60' of the first and second clip, as described in the specification, see the specification paragraph 0063.

Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

4. The disclosure is objected to because of the following informalities:

Applicant's disclosure is extremely confusing.

For example, applicant recites, in paragraph 0063 of the specification, "... This attachment is in such a way that a first piece 32 of clear connecting tape 16 having a side edge 34 substantially equal in length to the length of a side 36 of the first 2 and second clip 2', respectively, and widths that are greater than the lengths of the distal edge 60 and proximal edge 60' of the first 2 and second 2' clip ..." where the description runs *on and on and on*. The six-line sentence is unclear because applicant attempts to relate too many portions of the invention to each other and at the same time introduce the distinguishing features of those elements.

For example, applicant explains there is a first piece 32 of clear connecting tape and the explains the tape has side edges, and also explains the length of the edges with respect to the clip before proceeding to also explain how something (it is unclear what) is securely fastened to the inner surfaces 38, 38' of the front side 40, 40' of the first 2 and second 2 'clips and in the very same sentence applicant recites something (again, it is unclear what) as "... extending beyond the side edges 34, 34' of the first 2 and 2' second clips. Applicant is somehow (as best understood) relating the length of a part (such as the clip side) to the widths of something else (possibly the tape that applicant originally set out to describe). Applicant must more clearly explain the structural relationships of the elements and avoid using lengthy sentences which obscure the explanations.

It is further noted the drawings do not show a "proximal edge 60" on the drawings which makes the explanation of the length of the edges of the clips unclear, especially since the side edge indicated by reference 34 of Figures 6, 7, 15, and 16 specifically appears to point to the clip instead of the tape. The Examiner assumes the phrase "... clear connecting tape 16 having a side edge 34 ..." is meant to indicate element 34 is the side edge of the tape 16, not the side edge of the clip 2 or 2', see paragraph 0063 of the specification. Note however, other portions of the Specification support the understanding that the side edges 34, 34' and sections of the clips, not the tape.

Further, the phrase, in paragraph 0063, "... are securely fastened to the inner surfaces 38, 38' of the front side 40, 40' of the first 2 and second 2' clips, respectively, extending beyond the side edges 34, 34' of the first 2 and second 2' clips ..." is unclear because the Examiner cannot tell which element is said to have the recited fastening and extending features. What elements are fastened as recited?

Also, what element is "... extending beyond the side edges ..." as is further recited in the same sentence?

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 6-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear whether applicant is referring to the "connector tape" as described in the specification where the claims recite a "connector piece". In the interest of furthering prosecution on the merits of the application, as best understood, where applicant claims a "connector piece", applicant is referring to the "connector tape" disclosed in the specification.

Further, the phrase in the claim which begins with "... is attached to the clips in such a way that ..." and continues on until the end of the claim is unclear because it is the Examiner cannot distinguish where the description of the various elements begin and end and where the description of the various structural relationships among the elements begin and end. Applicant is attempting to introduce the element structure at the same time as applicant claims the structural relationships of the elements but has failed to clearly distinguish between the various element structures/components and the structural relationships.

Further it is unclear if the phrase "the second piece of the connector piece has a width equal to the width of the first pieces of the connector width and the intermediate securing piece" requires the second piece of the connector piece to be equal to a

combined length of the first pieces of the connector width AND the intermediate securing piece or whether it is merely of the same length as BOTH the first pieces of the connector width AND the intermediate securing piece individually. The use of the word "and" suggests the relevant widths are combined to form a single new width which is the same as the width of the second connector piece, however, in light of the claim overall, it is unclear whether this interpretation would be correct.

To be clear, the manner in which applicant combines structural elements and structural relationships does not allow the Examiner to make a consistent estimation of the intended relationships to a degree that the application can be treated on the merits, therefore the claims have not been treated on the merits.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Royal whose telephone number is 571-272-6652. The examiner can normally be reached on 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley D. Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



P. Royal  
9/30/2005

Paul Royal  
Examiner  
Art Unit 3611



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